

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WARDELL GLENN AYERS

Case No.: 1:20-CV-490

Plaintiff

State Court Case No.: A 2001552
(removed from Hamilton County Court of
Common Pleas)

v.

GT EXCAVATING, LLC, et al.

**DEFENDANT GT EXCAVATING
LLC.'S NOTICE OF REMOVAL**

Defendants

Defendant GT Excavating, LLC., pursuant to 28 USC §1332, 1441 and 1446, hereby gives notice to this Honorable Court and all parties to this action of their removal of this matter, currently pending as Case No. A2001552, in the Hamilton County Court of Common Pleas, Hamilton County, Ohio, to the United States District Court for the Southern District of Ohio, Western Division. In support of this Notice of Removal, GT Excavating, LLC. states as follows:

1. On April 7, 2020, the Plaintiff filed a lawsuit in the Hamilton County Court of Common Pleas, styled Wardell Glenn Ayers v. Star Construction of Florida, LLC., and GT Excavating, LLC. and John/Jane Does 1-10 and United Health Group dba Golden Rule Insurance Company and it was assigned case number A2001552.

2. The Plaintiff Wardell Glenn Ayers is a citizen of the State of Ohio, Hamilton County, Ohio.

3. GT Excavating, LLC and its only member, Trevor Jordan Niebrugge are citizens of Moores Hill, Indiana, which is also the principle place of business for that entity.

4. Upon information and belief, Defendant Star Construction of Florida, LLC. and its members are citizens of the state of Florida with their principle place of business also in that state.

5. Upon information and belief, Defendant Untied Health Group dba Golden Rule Insurance Company, is a corporation with its principle place of business in Minnesota and is a citizen of that state.

6. The incident that is the subject matter of the Plaintiff's Complaint occurred in Hamilton County, Ohio.

7. The Complaint was served on the Defendant via regular mail, sent on June 2, 2020. The Complaint seeks damages on behalf of the Plaintiff in excess of \$25,000.00, however, that is the minimum jurisdictional limit for common pleas court cases in the state of Ohio. We have been informed that the Plaintiff has medical bills for surgery as a result of the incident that is the subject matter of the Complaint. Plaintiff has refused to limit damages as a result of the alleged incident to \$75,000.00.

8. Jurisdiction is appropriate before this Honorable Court on the basis of diversity of citizenship and the amount in controversy. There is complete diversity of citizenship between the Plaintiff and the Defendants.

9. Based upon the allegations of the Complaint, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00, as required by 28 USC §1332.

10. The United States District Court for the Southern District of Ohio, Western Division, is the proper federal district court for removal, as Hamilton County, Ohio is within the district. Accordingly, venue is appropriate pursuant to 28 USC §1441.

11. Prior to the removal the Defendant did not answer the Complaint.

12. Pursuant to 28 USC §1446, a copy of all pleadings and other papers filed in the State Court proceedings is attached as **Exhibit A**.

13. This Notice of Removal will be served on all parties pursuant to 28 USC §1446.

14. This Notice of Removal will be filed with the Hamilton County Common Pleas Court Clerk pursuant to 28 USC §1446.

Respectfully submitted,

/s/Patricia J. Trombetta
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CERTIFICATE OF SERVICE

A copy of the foregoing has been served via e-mail and/or regular mail this 23rd
day of June 2020 upon:

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/s/Patricia J. Trombetta
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